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Attorneys for Defendant
UNION PACIFIC RAILROAD COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HUMBOLDT BAYKEEPER, a program
of Ecological Rights Foundation; and
ECOLOGICAL RIGHTS FOUNDATION,
a non-profit corporation,

Plaintiff,

vs.

UNION PACIFIC RAILROAD
COMPANY, a Delaware corporation; and
NORTH COAST RAILROAD
AUTHORITY, a state agency,

Defendants.

Case No. C 06-02560 JSW

STIPULATION TO MODIFY BRIEFING
SCHEDULE ON DEFENDANTS' MOTIONS
TO DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT; [PROPOSED]
ORDER

Date: September 8, 2006
Time: 9:00 a.m.
Dept.: Courtroom 2
Judge: The Honorable Jeffrey S. White

Defendant Union Pacific Railroad Company ("Union Pacific"), Defendant North Coast
Railroad Authority ("NCRA") and Plaintiffs Humboldt Baykeeper and Ecological Rights
Foundation (collectively "Baykeeper"), hereby enter into this stipulation:

WHEREAS, on April 12, 2006, Baykeeper filed a Complaint with this Court containing
Nine Causes of Action alleging that Union Pacific and NCRA violated the Clean Water Act;

WHEREAS, on June 5, 2006, Baykeeper filed a First Amended Complaint with this Court
to include a Tenth Cause of Action alleging that Union Pacific violated the Resource
Conservation and Recovery Act;

STIPULATION AND [PROPOSED] ORDER TO MODIFY
BRIEFING SCHEDULE, Case No. 06-02560 JSW

1 WHEREAS, on June 26, 2006, Union Pacific and NCRA filed motions to dismiss
2 Baykeeper's First Amended Complaint, which motions are scheduled to be heard by the Court at
3 9:00 a.m. on Friday, September 8, 2006, or as soon thereafter as the matter may be heard;

4 WHEREAS, on June 28, 2006, the Court issued an Order Setting Briefing Schedule on
5 Defendants' motions to dismiss pursuant to which Baykeeper's opposition to the motions to
6 dismiss is due by July 13, 2006 and Defendants' reply briefs in support of their motions are due
7 by July 20, 2006; and

8 WHEREAS, the parties have previously coordinated a mutually acceptable hearing date
9 on the motions to dismiss based on their respective schedules and the Court's motions calendar,
10 conferred regarding the deadlines set forth in the Court's scheduling order and now agree to
11 modify the briefing schedule to accommodate the schedules of litigation counsel which would
12 make compliance with the deadlines set forth in the Court's scheduling order extremely difficult;

13 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
14 attorneys for the parties, subject to the Court's approval, that:

- 15 1. Baykeeper will file its opposition to the motions to dismiss on or before August 2,
16 2006.
- 17 2. Union Pacific and NCRA will file their replies in support of their motions to
18 dismiss on or before August 23, 2006.
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1 Dated: June 29, 2006

Farella Braun + Martel LLP

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3 By: /S/ David J. Lazerwitz

4 David J. Lazerwitz

5 Attorneys for Defendant
Union Pacific Railroad Company

6 Dated: June 29, 2006

Law Office of Christopher J. Neary

7
8 By: /S/ Christopher J. Neary

9 Christopher J. Neary

10 Attorneys for Defendant
North Coast Railroad Authority

11 Dated: June 29, 2006

Lawyers for Clean Water, Inc.

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13 By: /S/ Layne Friedrich

14 Layne Friedrich

15 Attorneys for Plaintiffs
Humboldt Baykeeper and Ecological Rights
16 Foundation

17 I, David Lazerwitz, hereby attest that I have on file all holograph signatures for any
18 signatures indicated by a "conformed" signature (/S/) within this efiled document.

19 Dated: June 30, 2006

Farella Braun + Martel LLP

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21 By: /S/ David J. Lazerwitz

22 David J. Lazerwitz


23 Attorneys for Defendant
Union Pacific Railroad Company

ORDER

Based on the foregoing, and good cause appearing therefore, the Court vacates the Order Setting Briefing Schedule dated June 28, 2006, and orders that Baykeeper will file its opposition to Union Pacific's and NCRA's motions to dismiss on or before August 2, 2006. Union Pacific and NCRA will file their replies in support of their motions to dismiss on or before August 23, 2006.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: July 5, 2006


JEFFREY S. WHITE
JUDGE OF THE U.S. DISTRICT COURT